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A P P E A L

OF

FORTY THOUSAND CITIZENS,

THREATENED WITH

DISFRANCHISEMENT,

TO THE

PEOPLE OF PENNSYLVANIA.

PHILADELPHIA:

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1838.

PHILADELPHIA, March 14, 1838.

A very numerous and respectable meeting of the colored citizens of Pennsylvania, was held in the Presbyterian Church, Seventh street, below Shippen, on the evening of the 14th inst. The meeting was organized by calling JOHN P. BURR to the Chair, and appointing THOMAS BUTLER and STEPHEN H. GLOUCESTER Vice-Presidents, and *James Cornish* and *James Forten, jr.*, Secretaries. After an appropriate prayer by the Rev. Charles W. Gardner, the Chairman, with some suitable observations, stated the object of the meeting,—which was to receive the report of a Committee consisting of the following gentlemen: Robert Purvis, James Cornish, J. C. Bowers, Robert B. Forten, J. J. G. Bias, James Needham, and John P. Burr—appointed at a public meeting held prior to the above, in St. Paul's Lutheran Church, Quince street, to prepare an appeal in behalf of forty thousand citizens, threatened with disfranchiseinent, to their fellow citizens, remonstrating against the late cruel act of the Reform Convention. Robert Purvis, Chairman of said Committee, presented and read the appeal; it was accepted, and remarks were then made by *James Forten, sr.*, Robert Purvis, J. C. Bowers, F. A. Hinton, Charles W. Gardner, and several others, after which it was adopted with a unanimity and spirit equalled only by the memorable meeting of 1817.

The following resolutions were unanimously adopted:

1. *Resolved*, That our warm and grateful thanks are due those gentlemen who, on the floor of the Convention, stood by us in the hour of need, in the able assertion and advocacy of our rights, and to others who voted against the insertion of the word "white." Also, that like thanks are due to our Abolition friends for their active though unavailing exertions to prevent the unrighteous act.

2. *Resolved*, That a committee of five be appointed to draw up a remonstrance against the Colonization Society, to be presented to the various Churches, Presbyteries, Conferences, and Conventions. The following persons were appointed:—*James Forten, sr.*, *S. H. Gloucester*, *Robert Douglass*, *Charles W. Gardner*, and *Bishop Brown*.

JOHN P. BURR, President,

THOMAS BUTLER, }
S. H. GLOUCESTER, } Vice-Presidents.

James Cornish, }
James Forten, jr., } Secretaries,

APPÉAL.



FELLOW CITIZENS:—We appeal to you from the decision of the “Reform Convention,” which has stripped us of a right peaceably enjoyed during forty-seven years under the Constitution of this commonwealth. We honor Pennsylvania and her noble institutions too much to part with our birthright, as her free citizens, without a struggle. To all her citizens the right of suffrage is valuable in proportion as she is free; but surely there are none who can so ill afford to spare it as ourselves.

Was it the intention of the people of this commonwealth that the Convention to which the Constitution was committed for revision and amendment, should tear up and cast away its first principles? Was it made the business of the Convention to deny “that all men are born equally free,” by making political rights depend upon the skin in which a man is born? or to divide what our fathers bled to unite, to wit, TAXATION and REPRESENTATION? We will not allow ourselves for one moment to suppose, that the majority of the people of Pennsylvania are not too respectful of the rights and too liberal towards the feelings of others, as well as too much enlightened to their own interests, to deprive of the right of suffrage a single individual who may safely be trusted with it. And we cannot believe that you have found among those who bear the burdens of taxation any who have proved, by their abuse of the right, that it is not safe in their hands. This is a question, fellow citizens, in which we plead *your* cause as well as our own. It is the safeguard of the strongest that he lives under a government which is obliged to respect the voice of the weakest. When you have taken from an individual his right to vote, you have made the government, in regard to him, a mere despotism; and you have taken a step towards making it a despotism to all.—To your women and children, their inability to vote at the polls may be

no evil, because they are united by consanguinity and affection with those who can do it. To foreigners and paupers the want of the right may be tolerable, because a little time or labor will make it theirs. They are candidates for the privilege, and hence substantially enjoy its benefits. But when a distinct class of the community, already sufficiently the objects of prejudice, are wholly, and for ever, disfranchised and excluded, to the remotest posterity, from the possibility of a voice in regard to the laws under which they are to live—it is the same thing as if their abode were transferred to the dominions of the Russian Autocrat, or of the Grand Turk. They have lost their check upon oppression, their wherewith to buy friends, their panoply of manhood; in short, they are thrown upon the mercy of a despotic majority. Like every other despot, this despot majority, will believe in the mildness of its own sway; but who will the more willingly submit to it for that?

To us our right under the Constitution has been the more precious, and our deprivation of it will be the more grievous, because our expatriation has come to be a darling project with many of our fellow citizens. Our abhorrence of a scheme which comes to us in the guise of Christian benevolence, and asks us to suffer ourselves to be transplanted to a distant and barbarous land, *because we are a “nuisance” in this*, is not more deep and thorough than it is reasonable. We love our native country, much as it has wronged us; and in the peaceable exercise of our inalienable rights, we will cling to it. The immortal Franklin, and his fellow laborers in the cause of humanity, have bound us to our homes here with chains of gratitude. We are PENNSYLVANIANS, and we hope to see the day when Pennsylvania will have reason to be proud of us, as we believe she has now none to be ashamed. Will you starve our patriotism? Will you cast our hearts out of the treasury of the commonwealth? Do you count our enmity better than our friendship?

Fellow citizens, we entreat you, in the name of fair dealing, to look again at the just and noble charter of Pennsylvania freedom, which you are asked to narrow down to the lines of caste and color. The Constitution reads as follows:—

“Art. 3, § 1. In elections by the citizens, every freeman, of

the age of twenty-one years, having resided in the State two years next before the election, and within that time paid a State or county tax, which shall have been assessed at least six months before the election, shall enjoy the rights of an elector," &c.

This clause guaranties the right of suffrage to us as fully as to any of our fellow citizens whatsoever, for

1. Such was the intention of the framers. In the original draft, reported by a committee of nine, the word "WHITE" stood before "FREEMAN." On motion of ALBERT GALLATIN it was stricken out, for the express purpose of including colored citizens within the pale of the elective franchise. (See *Minutes of the Convention, 1790.*)

2. We are CITIZENS. This, we believe, would never have been denied, had it not been for the scheme of expatriation to which we have already referred. But as our citizenship has been doubted by some who are not altogether unfriendly to us, we beg leave to submit some proofs, which we think you will not hastily set aside.

We were regarded as *citizens* by those who drew up the articles of confederation between the States, in 1778. The fourth of the said articles contains the following language:—"The free inhabitants of each of these States, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all privileges and immunities of free *citizens* in the several States." That we were not excluded under the phrase "paupers, vagabonds, and fugitives from justice," any more than our white countrymen, is plain from the debates that preceded the adoption of the article. For, on the 25th of June, 1778, "the delegates from South Carolina moved the following amendment *in behalf of their State*. In article fourth, between the words *free* inhabitants, insert *white*. Decided in the negative; ayes, two States; nays, eight States; one State divided." Such was the solemn decision of the revolutionary Congress, concurred in by the entire delegation from our own commonwealth. On the adoption of the present Constitution of the United States no change was made as to the rights of citizenship. This is explicitly proved by the Journal of Congress. Take, for example, the following resolution passed in the House of Representatives, Dec. 21, 1803:

"On motion, *Resolved*, That the Committee appointed to enquire and report whether any further provisions are necessary for the more effectual protection of American seamen, do enquire into the expediency of granting protections to such American seamen, *citizens of the United States*, as are *free persons of color*, and that they report by bill, or otherwise."

Journ. H. Rep., 1st Sess., 8th Cong., p. 224.

Proofs might be multiplied. In almost every State we have been spoken of, either expressly or by implication, as *citizens*. In the very year before the adoption of the present Constitution, 1789, the "Pennsylvania Society for Promoting the Abolition of Slavery, &c.," put forth an address, signed by "BENJAMIN FRANKLIN, President," in which they stated one of their objects to be, "to *qualify* those who have been restored to freedom, for the exercise and enjoyment of CIVIL LIBERTY." The Convention of 1790, by striking out the word "WHITE," fixed the same standard of *qualification* for all; and, in fact, granted and guarantied "civil liberty" to all who possessed that qualification. Are we now to be told, that the Convention did not intend to include colored men, and that BENJAMIN FRANKLIN did not know what he was about, forasmuch as it was impossible for a colored man to become a citizen of the commonwealth?

It may here be objected to us, that in point of fact we have lost by the recent decision of the Supreme Court, in the case of *Fogg vs. Hobbs*, whatever claim to the right of suffrage we may have had under the Constitution of 1790; and hence have no reason to oppose the amended Constitution. Not so. We hold our rights under the present Constitution none the cheaper for that decision. The section already cited gives us all that we ask—all that we can conceive it in the power of language to convey. Reject, fellow citizens, the partial, disfranchising Constitution offered you by the Reform Convention, and we shall confidently expect that the Supreme Court will do us the justice and itself the honor to retract its decision. Should it not, our appeal will still be open to the conscience and common sense of the people, who through their chief magistrate and a majority of two-thirds of both branches of the Legislature may make way to the bench of

the Supreme Court, for expounders of the Constitution who will not do violence to its most sacred and fundamental principles.

We cannot forbear here to refer you to some points in the published opinion of the Court as delivered by Chief Justice Gibson, which we believe will go far to strip it of the weight and authority ordinarily conceded to the decision of the highest tribunal (save the elections) of this commonwealth.

1. The Court relies much on a decision *said to have been had* "ABOUT" forty-three years ago, the claim of which to a place in the repository of the Pennsylvania law is thus set forth by the Court itself:—

"About the year 1795, as I have it from James Gibson, Esq., of the Philadelphia bar, the very point before us was ruled by the High Court of Errors and Appeals, against the right of negro suffrage. Mr. Gibson declined an invitation to be concerned in the argument, and therefore has no memorandum of the cause to direct us to the record. I have had the office searched for it; but the papers had fallen into such disorder as to preclude a hope of its recovery. Most of them were imperfect, and many were lost or misplaced. *But Mr. Gibson's remembrance of the decision is perfect and entitled to full confidence.*"

Now, suppressing doubt, and supposing such a decision actually to have emanated from the then highest tribunal of the commonwealth, does not the fact that it was so utterly forgotten as not to have regulated the polls within the memory of the present generation, nor to have been brought up against us in the Reform Convention, prove that it was virtually retracted? And if retracted, is it now to be revived to the overthrow of rights enjoyed without contradiction during the average life of man?

2. The Court argues that colored men are not *freemen*, and hence not entitled by the present Constitution to vote, because under laws prior to the Constitution there *might be* individuals who were not slaves, and yet were not *freemen*! The deduction is, that as the word "freeman" was, *before* the present Constitution, used in a restricted sense, it must have been used in the same sense *in* it. The correctness of this interpretation will be tested by substituting, in Art. 3, Sec. 1, for the word "freeman" the meaning which the Court chooses to have attached to it.

This meaning appears from the passages cited by the Court to be, *an elector*.* Making the substitution, the article reads, "In elections by the citizens, every *elector*, of the age of twenty-one years, &c. &c., shall enjoy the right of an *elector*, &c."—a proposition which sheds a very faint light upon the question of the extent of the elective franchise, and from which it would appear that there may be electors who are *not* to enjoy the rights of electors. But taking the less restricted term *citizen*, which the Court also seems to think of the same force with "freeman," the article will read more sensibly, that "In elections by the citizens, every *citizen* of the age of twenty-one," who has paid taxes, &c. "shall enjoy the right of an elector." To what evidence does the Court refer to show that a *colored* man may not be a *citizen*? To none whatever. We have too much respect for old Pennsylvania to believe that such puerile absurdity can become her fixed and irreversible law.

3. Since the argument above referred to, such as it is, does not rest upon color, it is not less applicable to the descendants of Irish and German ancestors than to ourselves. If there ever have been within the commonwealth, men, or sets of men, who though personally free were not technically *freemen*, it is unconstitutional, according to the doctrine of the Court, for their descendants to exercise the right of suffrage, pay what taxes they may, till in "the discretion of the judges," their blood has "become so diluted in successive descents as to lose its distinctive character." Is this the doctrine of Pennsylvania freedom?

4. Lastly, the Court openly rests its decision on the authority of a *wrong*, which this commonwealth so long ago as 1780 solemnly acknowledged, and, to the extent of its power, for ever repealed. To support the same *wrong* in *other States*, the Constitution of *this*, when it uses the words "every *freeman*," must

* "Thus," says the Chief Justice, "till the instant when the phrase on which the question turns was penned, the term *freeman* had a peculiar and specific sense, being used like the term *citizen* which supplanted it, to denote one who had a voice in public affairs. The citizens were denominated *freemen* even in the Constitution of 1776—and under the present Constitution, the word, though dropped in the style, was used in the legislative acts convertibly with *electors*, so late as the year 1798 when it grew into disuse."

be understood to exclude every freeman of a certain color ! The Court is of opinion that the people of this commonwealth had no power to confer the rights of citizenship upon one who, were he in another State, *might be* loaded by its laws with "countless disabilities." Now, since in some of the States men may be found in slavery who have not the slightest trace of African blood, it is difficult to see, on the doctrine of the Court, how the Constitution of Pennsylvania could confer the right of citizenship upon any person ; and, indeed, how it could have allowed the emancipation of slaves of any color. To such vile dependence on its own ancient *wrongs*, and on the present *wrongs* of other States, is Pennsylvania reduced by this decision !

Are we then presumptuous in the hope that this grave sentence will be as incapable of resurrection fifty years hence, as is that which the Chief Justice assures us was pronounced "*about* the year 1795 ?" No. The blessings of the broad and impartial charter of Pennsylvania rights can no more be wrested from us by legal subtlety, than the beams of our common sun or the breathing of our common air.

What have we done to forfeit the inestimable benefits of this charter ? Why should tax-paying colored men, any more than other tax-payers, be deprived of the right of voting for their representatives ? It was said in the Convention, that this government belongs to the *Whites*. We have already shown this to be false, as to the past. Those who established our present government designed it equally for all. It is for you to decide whether it shall be confined to the European complexion in future. Why should you exclude us from a fair participation in the benefits of the republic ? Have we oppressed the whites ? Have we used our right to the injury of any class ? Have we disgraced it by receiving bribes ? Where are the charges written down, and who will swear to them ? We challenge investigation. We put it to the conscience of every Pennsylvanian, whether there is, or ever has been, in the commonwealth, either a political party or religious sect which has less deserved than ourselves to be thus disfranchised. As to the charge of idleness, we fling it back indignantly. Whose brows have sweat for our livelihood but our own ? As to vice, if it disqualifies us for civil

liberty, why not apply the same rule to the whites, so far as they are vicious? Will you punish the innocent for the crimes of the guilty? The execution of the laws is in the hands of the whites. If we are bad citizens let them apply the proper remedies. We do not ask the right of suffrage for the inmates of our jails and penitentiaries, but for those who honestly and industriously contribute to bear the burdens of the State. As to inferiority to the whites, if indeed we are guilty of it, either by nature or education, we trust our enjoyment of the rights of freemen will on that account be considered the less dangerous. If we are incompetent to fill the offices of State, it will be the fault of the whites only if we are suffered to disgrace them. We are in too feeble a minority to cherish a mischievous ambition. Fair protection is all that we aspire to.

We ask your attention, fellow citizens, to facts and testimonies which go to show that, considering the circumstances in which we have been placed, our country has no reason to be ashamed of us, and that those have the most occasion to blush to whom nature has given the power.

By the careful inquiry of a committee appointed by the "Pennsylvania Society for Promoting the Abolition of Slavery," it has been ascertained that the colored population of Philadelphia and its suburbs, numbering 18,768 souls, possess at the present time, of real and personal estate, not less than \$1,350,000. They have paid for taxes during the last year \$3,252.83, for house, water, and ground rent, \$166,963.50. This committee estimate the income to the holders of real estate occupied by the colored people, to be $7\frac{1}{2}$ per cent. on a capital of about \$2,000,000. Here is an addition to the wealth of their white brethren. But the rents and taxes are not all; to pay them, the colored people must be employed in labor, and here is another profit to the whites, for no man employs another unless he can make his labor profitable to himself. For a similar reason, a profit is made by all the whites who sell to colored people the necessaries or luxuries of life. Though the aggregate amount of the wealth derived by the whites from our people can only be conjectured, its importance is worthy of consideration by those who would make it less by lessening our motive to accumulate for ourselves.

Nor is the profit derived from us counterbalanced by the sums which we in any way draw from the public treasures. From a statement published by order of the Guardians of the Poor of Philadelphia, in 1830, it appears that out of 549 out-door poor relieved during the year, only 22 were persons of color, being about four per cent. of the whole number, while the ratio of our population to that of the city and suburbs exceeds $8\frac{1}{4}$ per cent. By a note appended to the printed report above referred to, it appears that the colored *paupers* admitted into the almshouse for the same period, did not exceed four per cent. of the whole. Thus it has been ascertained that they pay more than they receive in the support of their own poor. The various "mutual relief" societies of Philadelphia expend upwards of \$7,000 annually, for the relief of their members when sick or disabled.

That we are not neglectful of our religious interests, nor of the education of our children, is shown by the fact that there are among us in Philadelphia, Pittsburg, York, West Chester, and Columbia, 22 churches, 48 clergymen, 26 day schools, 20 Sabbath schools, 125 Sabbath school teachers, 4 literary societies, 2 public libraries, consisting of about 800 volumes, besides 8,333 volumes in private libraries, 2 tract societies, 2 Bible societies, and 7 temperance societies.

In other parts of the State we are confident our condition will compare very favorably with that in Philadelphia, although we are not furnished with accurate statistics.

Our fathers shared with yours the trials and perils of the wilderness. Among the facts which illustrate this, it is well known that the founder of your capital, from whom it bears the name of Harrisburg, was rescued by a *colored man*, from a party of Indians, who had captured, and bound him to the stake for execution. In gratitude for this act, he *invited colored persons* to settle in his town, and offered them lands on favorable terms. When our common country has been invaded by a foreign foe, colored men have hazarded their lives in its defence. Our fathers fought by the side of yours in the struggle which made us an independent republic. We offer the following testimonies.

Hon. Mr. Burgess, of Rhode Island, said on the floor of Congress, January 28th, 1828—

“At the commencement of the revolutionary war, Rhode Island had a number of this description of people, (slaves.) A regiment of them were enlisted into the continental service, and no *braver* men met the enemy in battle; but not one of them was permitted to be a soldier until he had first been made a *freeman*.”

Said the Hon. Mr. Martindale, of New York, in Congress, January 22d, 1828—

“Slaves, or negroes who had been slaves, were enlisted as soldiers in the war of the revolution; and I myself saw a battalion of them, as fine martial looking men as I ever saw, attached to the northern army, in the last war, on its march from Plattsburg to Sacketts Harbor.”

Said the Hon. Charles Miner, of Pennsylvania, in Congress, February 7th, 1828—

“The African race make excellent soldiers. Large numbers of them were with Perry, and aided to gain the brilliant victory on lake Erie. A whole battalion of them was distinguished for its soldierly appearance.”

The Hon. Mr. Clarke, in the Convention which revised the Constitution of New York, in 1821, said, in regard to the right of suffrage of colored men—

“In the war of the revolution these people helped to fight your battles by land and by sea. Some of your States were glad to turn out corps of colored men, and to stand shoulder to shoulder with them. In your late war they contributed largely towards some of your most splendid victories. On lakes Erie and Champlain, where your fleets triumphed over a foe superior in numbers and engines of death, they were manned in a large proportion with men of color. And in this very house, in the fall of 1814, a bill passed, receiving the approbation of all the branches of your government, authorizing the governor to accept the services of 2,000 free people of color.”

On the 20th of March, 1779, it was recommended by Congress to the States of Georgia and South Carolina to raise 3,000 colored troops who were to be rewarded for their services by their freedom. The delegations from those States informed Congress that such a body of troops would be not only “formidable to the enemy,” but would “lessen the danger of revolts and desertions”

among the slaves themselves. (See *Secret Journal of the Old Congress*, Vol. I. pages 105-107.)

During the last war the free colored people were called to the defence of the country by GENERAL JACKSON, and received the following testimony to the value of their services, in which let it be remarked that they are addressed as *fellow citizens* with the *whites* :

“ **SOLDIERS!** When, on the banks of the Mobile, I called you to take up arms, inviting you to partake the perils and glory of your white fellow citizens, I expected much from you—for I was not ignorant that you possessed qualities most formidable to an invading enemy. I knew with what fortitude you could endure hunger and thirst, and all the fatigues of a campaign. I knew well how you loved your native country, and that you had, as well as ourselves, to defend what man holds most dear, his parents, relations, wife, children, and property. You have done more than I expected. In addition to the qualities which I previously knew you to possess, I find, moreover, among you a noble enthusiasm, which leads you to the performance of great things. **SOLDIERS**—the President of the United States shall hear how praiseworthy was your conduct in the hour of danger, and the representatives of the American people will, I doubt not, give you the praise which your deeds deserve. Your General anticipates them in applauding your noble ardor, &c.

By order, (*Signed*)

THOMAS BUTLER,
Aid-de-Camp.”

Are we to be thus looked to for help in the “hour of danger,” but trampled under foot in the time of peace? In which of the battles of the revolution did not our fathers fight as bravely as yours, for American liberty? Was it that their children might be disfranchised and loaded with insult that they endured the famine of Valley Forge, and the horrors of the Jersey Prison Ship? Nay, among those from whom you are asked to wrench the birthright of **CIVIL LIBERTY**, are those who themselves shed their blood on the snows of Jersey, and faced British bayonets in the most desperate hour of the revolution.

In other hours of danger, too, colored men have shown themselves the friends of their white countrymen. When the yellow fever ravaged Philadelphia in 1793, and the whites fled, and there were not found enough of them in the city to bury their

own dead, the colored people volunteered to do that painful and dangerous duty. They appointed two of their own number to superintend the sad work, who afterwards received the following testimonial :—

“ Having, during the prevalence of the late malignant disorder, had almost daily opportunities of seeing the conduct of Absalom Jones and Richard Allen, and the people employed by them to bury the dead, I with cheerfulness give this testimony of my approbation of their proceedings, as far as the same came under my notice. Their diligence, attention, and decency of deportment, afforded me at the time much satisfaction.

(Signed)

MATTHEW CLARKSON, *Mayor.*

Philadelphia, Jan. 23, 1794.”

It is notorious that many whites who were forsaken by their own relations and left to the mercy of this fell disease, were nursed *gratuitously* by the colored people. Does this speak an enmity which would abuse the privileges of civil liberty to the injury of the whites? We have the testimony of a committee of the Senate of this commonwealth, no longer ago than 1830, who were appointed to report upon the expediency of restricting the emigration of colored people into the commonwealth. The following extract from their report, signed by the Hon. Mr. Breck, chairman, testifies to our character:

“ On this subject your committee beg to remark, that by the last census our colored population amounted to about 36,000, of whom 30,000 inhabit the eastern district, and only 6,000 the western. And this number, so small compared with the white population, is scattered among 1,500,000 of our own color, making 1 colored to 42 whites. So few of these, it is believed by your committee, need not at present be an object of uneasiness, and would not seem to require the enactment of any restrictive laws; **MORE ESPECIALLY AS THEY ARE, FOR THE GREATER PART, INDUSTRIOUS, PEACEABLE, AND USEFUL PEOPLE.”**

Be it remembered, fellow citizens, that it is only for the “*industrious, peaceable, and useful*” part of the colored people that we plead. We would have the right of suffrage only as the reward of industry and worth. We care not how high the qualification may be placed. All we ask is, that no man shall be excluded on account of his *color*—that the same rule shall be applied to all.

Are we to be disfranchised, lest the purity of the *white* blood should be sullied by an intermixture with ours? It seems to us that our white brethren might well enough reserve their fear, till we seek such alliance with them. We ask no social favors. We would not willingly darken the doors of those to whom the complexion and features, which our Maker has given us, are disagreeable. The territories of the commonwealth are sufficiently ample to afford us a home without doing violence to the delicate nerves of our white brethren, for centuries to come. Besides, we are not intruders here, nor were our ancestors. Surely you ought to bear as unrepiningly the evil consequences of your fathers' guilt, as we those of our fathers' misfortune. Proscription and disfranchisement are the last things in the world to alleviate these evil consequences. Nothing, as shameful experience has already proved, can so powerfully promote the evil which you profess to deprecate, as the degradation of our race by the oppressive rule of yours. Give us that fair and honorable ground which self-respect requires to stand on, and the dreaded amalgamation, if it take place at all, shall be by your own fault, as indeed it always has been. We dare not give full vent to the indignation we feel on this point, but we will not attempt wholly to conceal it. We ask a voice in the disposition of those public resources which we ourselves have helped to earn; we claim a right to be heard, according to our numbers, in regard to all those great public measures which involve our lives and fortunes, as well as those of our fellow citizens; we assert our right to vote at the polls as a shield against that strange species of benevolence which seeks legislative aid to banish us—and we are told that our white fellow citizens cannot submit to an *intermixture of the races!* Then let the indentures, title-deeds, contracts, notes of hand, and all other evidences of bargain, in which colored men have been treated as *men*, be torn and scattered on the winds. Consistency is a jewel. Let no white man hereafter ask his colored neighbor's *consent* when he wants his property or his labor, lest he should endanger the Anglo-Saxon purity of his descendants? Why should not the same principle hold good between neighbor and neighbor, which is deemed necessary, as a fundamental principle, in the Constitution itself? Why should

you be ashamed to act in private business, as the Reform Convention would have you act in the capacity of a commonwealth? But, no! we do not believe our fellow citizens, while with good faith they hold themselves bound by their contracts with us, and while they feel bound to deal with us only by fair contract, will ratify the arbitrary principle of the Convention, howmuchsoever they may prefer the complexion in which their Maker has pleased to clothe themselves.

We would not misrepresent the motives of the Convention, but we are constrained to believe that they have laid our rights a sacrifice on the altar of slavery. We do not believe our disfranchisement would have been proposed, but for the desire which is felt by political aspirants to gain the favor of the slaveholding States. This is not the first time that northern statesmen have "bowed the knee to the dark spirit of slavery," but it is the first time that they have bowed so low! Is Pennsylvania, which abolished slavery in 1780, and enfranchised her tax-paying colored citizens in 1790, now, in 1838, to get upon her knees and repent of her humanity, to gratify those who disgrace the very name of American Liberty, by holding our brethren as goods and chattels? We freely acknowledge our brotherhood to the slave, and our interest in his welfare. Is this a crime for which we should be ignominiously punished? The very fact that we are deeply interested for our kindred in bonds, shows that we are the right sort of stuff to make good citizens of. Were we not so, we should better deserve a lodging in your penitentiaries than a franchise at your polls. Doubtless it will be well pleasing to the slaveholders of the South to see us degraded. They regard our freedom from chains as a dangerous example, much more our political freedom. They see in every thing which fortifies our rights, an obstacle to the recovery of their fugitive property. Will Pennsylvania go backwards towards slavery, for the better safety of southern slave property? Be assured the South will never be satisfied till the old "Keystone" has returned to the point from which she started in 1780. And since the number of colored men in the commonwealth is so inconsiderable, the safety of slavery *may* require still more. It may demand that a portion of the white tax-payers should be

unmanned and turned into chattels—we mean those whose hands are hardened by daily toil. Fellow citizens, will you take the first step towards reimposing the chains which have now rusted for more than fifty years? Need we inform you that every colored man in Pennsylvania is exposed to be arrested as a fugitive from slavery? and that it depends not upon the verdict of a jury of his peers, but upon the decision of a judge on summary process, whether or not he shall be dragged into southern bondage? The Constitution of the United States provides that “no person shall be deprived of life, liberty, or property, without due process of law”—by which is certainly meant a **TRIAL BY JURY**. Yet the act of Congress of 1793, for the recovery of fugitive slaves, authorizes the claimant to seize his victim without a warrant from any magistrate, and allows him to drag him before “any magistrate of a county, city, or town corporate, where such seizure has been made,” and upon proving, by “oral testimony or affidavit,” to the satisfaction of such magistrate that the man is his slave, gives him a right to take him into everlasting bondage. Thus may a free-born citizen of Pennsylvania be arrested, tried without counsel, jury, or power to call witnesses, condemned by a single man, and carried across Mason and Dixon’s line, within the compass of a single day. An act of this commonwealth, passed 1820, and enlarged and re-enacted in 1825, it is true, puts some restraint upon the power of the claimant under the act of Congress; but it still leaves the case to the decision of a single judge, without the privilege of a jury! What unspeakably aggravates our loss of the right of suffrage at this moment is, that, while the increased activity of the slave-catchers enhances our danger, the Reform Convention has refused to amend the Constitution so as to protect our liberty by a jury trial! We entreat you to make our case your own—imagine your own wives and children to be trembling at the approach of every stranger, lest their husbands and fathers should be dragged into a slavery worse than Algerine—worse than death! Fellow citizens, if there is one of us who has abused the right of suffrage, let him be tried and punished according to law. But in the name of humanity, in the name of justice, in the name of the God you profess to worship, who has no respect

of persons, do not turn into gall and wormwood the friendship we bear to yourselves by ratifying a Constitution which tears from us a privilege dearly earned and inestimably prized. We lay hold of the principles which Pennsylvania asserted in the hour which tried men's souls—which BENJAMIN FRANKLIN and his eight colleagues, in the name of the commonwealth, pledged their lives, their fortunes, and their sacred honor to sustain. We take our stand upon that solemn declaration, that to protect inalienable rights “ governments are instituted among men, deriving their JUST POWERS from the CONSENT of the governed,” and proclaim that a government which tears away from us and our posterity the very power of CONSENT, is a tyrannical usurpation which we will never cease to oppose. We have seen with amazement and grief the apathy of white Pennsylvanians while the “ Reform Convention” has been perpetrating this outrage upon the good old principles of Pennsylvania freedom. But however others may forsake these principles, we promise to maintain them on *Pennsylvania soil*, to the last man. If this disfranchisement is designed to uproot us, it shall fail. Pennsylvania's fields, vallies, mountains, and rivers; her canals, railroads, forests, and mines; her domestic altars, and her public, religious and benevolent institutions; her Penn and Franklin, her Rush, Rawle, Wistar, and Vaux; her consecrated past and her brilliant future, are as dear to us as they can be to you. Firm upon our old Pennsylvania BILL OF RIGHTS, and trusting in a God of Truth and Justice, we lay our claim before you, with the warning that no amendments of the present Constitution can compensate for the loss of its foundation principle of equal rights, nor for the conversion into enemies of 40,000 friends.

In behalf of the Committee,

ROBERT PURVIS, *Chairman.*